

CUMBERLAND COUNTY BOARD OF COMMISSIONERS MEETING

December 21, 2020 Monthly Meeting Minutes

Be it remembered that the Cumberland County Commission met in monthly session on Monday, December 21, 2020 via teleconference in Crossville, Tennessee. This meeting was audio recorded and posted on the Cumberland County website upon adjournment in accordance with Tennessee Governor Bill Lee's executive order 16. Mayor Allen Foster called the meeting to order at 6:00 o'clock P.M. Present and presiding was Commission Chairman, County Mayor Allen Foster who invited Commissioner Wendell Wilson to deliver the invocation. Mayor Allen Foster led the Pledge of Allegiance to the Flag of the United States of America. Also present on this teleconference were County Clerk Jule Bryson, Finance Director Nathan Brock, County Attorney Philip Burnett and the following County Commissioners:

Chad Norris
Kyle Davis
Rebecca Stone
David Gibson
Jack Davis
Wendell Wilson
Mark Baldwin
Jim Blalock
Colleen Mall

Sue Ann York
Nancy Hyder
Darrell Threet
Charles Seiber
Terry Lowe
Joseph Sherrill
Jerry Cooper
Deborah Holbrook
John Patterson - ABSENT

A quorum being present via teleconference, the Cumberland County Commission Meeting was opened in due form of law and the following proceedings were had to wit:

1. APPROVAL OF THE DECEMBER 21, 2020 COMMISSION MEETING AGENDA:

On motion of Commissioner Seiber to accept the agenda, second by Commissioner Hyder as presented. The motion to approve the agenda as presented carried by unanimous voice vote from the Commissioners present.

2. MINUTES OF NOVEMBER 16, 2020 CUMBERLAND COUNTY COMMISSION MEETING:

On motion of Commissioner York, second by Commissioner Seiber, moved to approve November 16, 2020 Commission Meeting Minutes as presented at the December 21, 2020 meeting made a matter of record and filed as presented. The motion to approve the minutes carried by unanimous voice vote from the Commissioners present.

SPECIAL RECOGNITIONS, MEMORIALS, ETC

Commissioner Hyder commended Mayor Allen Foster on the Christmas decorations at the Courthouse. Mayor Foster stated that the decorations had been a group effort of maintenance department as well as a number of others helping to get the decorations in place for the holiday season.

NEW BUSINESS

On motion of Commissioner Mall, second by Commissioner Stone moved to make the determination on record that meeting electronically for the Cumberland County Commission December 21, 2020 meeting is necessary to protect public health, safety and welfare in light of the pandemic.

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3. RESOLUTION 12-2020-1 – EMPOWERING THE MAYOR TO NEGOTIATE THE ACCEPTANCE OF THE HOMESTEAD TOWER AS CUMBERLAND COUNTY PROPERTY:

On motion of Commissioner York, second by Commissioner Wilson moved to adopt resolution 12-2020-1.

Discussion: Commissioner Stone stated that the county already owns the Homestead Tower indirectly through the school system. The school system budget does not have the funds to repair or replace the roofing system. The tower is a county wide jewel bringing positive impact on tourism in the past year with visitors from 47 states as well as worldwide visitors. The Tower Museum is featured on scenic trails sponsored by the state. The tower is a tremendous part of the heritage of our county. Commissioner Seiber asked will the county have to pay to redo the interior of the tower making it ADA compliant. Mayor Foster stated there is work to be done and it would be an obligation if the county takes over the tower. There is interior and exterior work needed with a total figure of a little over \$200,000.00. The ADA changes could be done over a period of years if the county obtains the tower. ADA compliance will need to be completed at all county owned buildings. Commissioner Mall stated that the Homestead Tower Association maintains the tower with fundraisers at this time. The fundraisers could help support the funds need for compliance standards by working with county and commission to elevate those fundraising efforts. Commissioner Cooper asked is it the plan to turn the tower over to the Homestead Tower Association to maintain and keep. Mayor Foster said there was not a motion from the Buildings and Grounds Committee to support that at this time. Commissioner Hyder stated the minutes to the Debt Management state that the county already owns the tower. In the past the county has not had to contribute large funds in the tower, the association has cared for and kept the building operational. Commissioner Threet states that if the county obtains the tower there are a few opportunities the commission could chose to do. One being the commission could deed the tower to the Homestead Tower Association with stipulations that if they ever cease to exist, it would be deeded back to the county. A second option would be to lease to the Association. The tower is listed on the national historical registry of places and does not have to have the same roofing system as they had originally. There is a 20 year time span to become ADA compliant. Commissioner Lowe asked if this resolution was only to take the tower from the school system at this time. Mayor Foster confirmed that is correct.

The motion to adopt resolution 12-2020-1, approve empowering the Mayor to negotiate the acceptance of the Homestead Tower as Cumberland County property, carried by a roll call vote of 12 ayes from Commissioners Norris, York, Hyder, Stone, Threet, Lowe, Wilson, Sherrill, Baldwin, Blalock, Holbrook and Mall and 5 nays from Commissioners Kyle Davis, Gibson, Seiber, Jack Davis, Cooper. Commissioner Patterson was absent from the meeting.

5. RESOLUTION 12-2020-2 – ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR CUMBERLAND COUNTY:

On motion of Commissioner Stone, second by Commissioner Mall moved to adopt resolution 12-2020-1.

The motion to adopt resolution 12-2020-2, adopting the American's with Disabilities Act (ADA) transition plan for Cumberland County, carried by unanimous roll call vote from the Commissioners present.

6. RESOLUTION 12-2020-3 – APPOINTING CUMBERLAND COUNTY EMERGENCY MANAGEMENT AGENCY DIRECTOR:

On motion of Commissioner Gibson, second by Commissioner Cooper moved to adopt resolution 12-2020-3.

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Discussion: Commissioner Sherrill asked is there a plan in place for any upcoming event such as ice storm during the pandemic. Mayor Foster stated that EMA has had a plan in place for many years for events such as these. Commissioner Hyder stated that the commission had provided funds for training hours for emergency personnel to prepare for events such as hazardous spills, weather events or pandemic. Our Emergency Management Agency personnel have completed hours upon hours of training. Commissioner Sherrill was told he could obtain a copy of these plans from EMA Director Travis Cole.

The motion to adopt resolution 12-2020-3, appointing Travis Cole as the Emergency Management Agency Director, carried by a unanimous roll call vote from the Commissioners present.

7. RESOLUTION 12-2020-4 –GENERAL FUND, BUDGET AMENDMENT, COUNTY CLERK \$2,800.00:

On motion of Commissioner Seiber, second by Commissioner Gibson moved to adopt resolution 12-2020-4.

The motion to adopt resolution 12-2020-4, approving a budget amendment for computer technology upgrades in County Clerk office, carried by a unanimous roll call vote from the Commissioners present.

8. RESOLUTION 12-2020-5 – GENERAL FUND, BUDGET AMENDMENT, EMERGENCY MANAGEMENT AGENCY, CIVIL DEFENSE \$3,169.00:

On motion of Commissioner Hyder, second by Commissioner Stone moved to adopt resolution 12-2020-5.

The motion to adopt resolution 12-2020-5, approving budget amendment adjustment to properly compensate the new Emergency Management Agency Director, carried by a unanimous roll call vote from the Commissioners present.

9. RESOLUTION 12-2020-6 – GENERAL PURPOSE SCHOOL FUND, BUDGET AMENDMENT, BUS DRIVER STAFFING \$10,000.00:

On motion of Commissioner Stone, second by Commissioner Holbrook moved to adopt resolution 12-2020-6.

The motion to adopt resolution 12-2020-6, approving budget amendment for bus driver recruitment for staffing services, carried by a unanimous roll call vote from the Commissioners present.

10. RESOLUTION 12-2020-7 - GENERAL FUND, BUDGET AMENDMENT, COUNTY COMMISSION \$42,491.00

On motion of Commissioner Blalock, second by Commissioner Stone moved to adopt resolution 12-2020-7.

Discussion: Commissioner Stone ask if these funds would be prepaid. Mayor Foster stated that Mrs. Barrett said these funds would be paid back. Commissioner Blalock would like to have report on this expenditure. Finance Director Nathan Brock will email a copy of this fund to each Commissioner.

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The motion to adopt resolution 12-2020-7, approving budget amendment contract with The Barrett Group for their services was agreed to be based upon recovered revenues from audited sales tax, state income tax and other revenue streams and their completed substantial part of their review of local option sales tax and state income tax, carried by a unanimous roll call vote from the Commissioners present.

11. RESOLUTION 12-2020-8 - SANITATION FUND, BUDGET AMENDMENT, POST CLOSURE CARE \$125,000.00:

On motion of Commissioner Gibson, second by Commissioner Hyder moved to adopt resolution 12-2020-8.

Discussion: Commissioner Stone asked when there had been a post closure cost recently. Mayor Foster stated that there had been a cost in 2019. TDEC has completed an inspection and found issues that must be repaired. Commissioner Blalock ask how long will the closed landfills be inspected. Mayor Foster stated one landfill has a few years left and the other would be inspected for twenty (20) plus years. If the county should get clean inspections in the future, it could be less time.

The motion to adopt resolution 12-2020-8, approving budget amendment for repairs and maintenance to closed landfills owned by the county using the Fund Balance within the Sanitation Fund to fund this cost, carried by a unanimous roll call vote from the Commissioners present.

12. RESOLUTION 12-2020-9 – GENERAL FUND, BUDGET AMENDMENT, COUNTY BUILDINGS \$146,896.00:

On motion of Commissioner Wilson, second by Commissioner Blalock moved to adopt resolution 12-2020-9.

The motion to adopt resolution 12-2020-9, approving budget amendment for damage to various county owned buildings due to straight line winds on or about March 29, 2020, carried by a unanimous roll call vote from the Commissioners present.

13. RESOLUTION 12-2020-10 – SPECIAL CONTRACT FOR DISLOCATED WORKER COVID-19 DISASTER RECOVERY:

On motion of Commissioner Gibson, second by Commissioner Baldwin moved to adopt resolution 12-2020-10.

Discussion: Commissioner Mall asked what this contract was for. Mayor Foster explained that these funds would be used if the county should employ any COVID-19 displaced workers.

The motion to adopt resolution 12-2020-10, approving special contract for dislocated workers COVID-19 disaster recovery between The Upper Cumberland Local Workforce Development Board, Inc. and Cumberland County, Tennessee , carried by a unanimous roll call vote from the Commissioners present.

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14. RESOLUTION 12-2020-11 – GENERAL FUND, BUDGET AMENDMENT, COVID-19 GRANT EXPENDITURES \$60,434.00

On motion of Commissioner Hyder, second by Commissioner Mall moved to adopt resolution 12-2020-11.

Discussion: Commissioner Mall asked if this would be used for anyone that is hired that has previously lost their job due to COVID-19. Mayor Foster stated that anyone that is hired would be pre-qualified before hiring so funds could be distributed from this fund.

The motion to adopt resolution 12-2020-11, approving budget amendment grant from the Local Workforce Development Board for Dislocated Workers to perform duties related to the mitigation of COVID-19 effects such as cleaning and sanitation, conducting health surveys, and executing temperature checks. This is a 100% state and federally funded grant, carried by a unanimous roll call vote from the commission present.

12. RESOLUTION 12-2020-12 – SUPPORT OF CUMBERLAND COUNTY MAYOR ALLEN FOSTER:

On motion of Commissioner Seiber, second by Commissioner Stone moved to adopt resolution 12-2020-12.

Discussion: Commissioner Stone states that the purpose of this resolution is to recognize how difficult leadership is, at this time, due to the crisis. Any Commissioner could stop by the County Clerk's office to sign this resolution as a co-sponsor if they had not done so. Commissioner Stone read the complete resolution.

The motion to adopt resolution 12-2020-12, showing support of Mayor Allen Foster for excellent leadership during the pandemic crisis, carried by a unanimous roll call vote from the commission present.

COUNTY OFFICIAL REPORT; FINANCE DIRECTOR NATHAN BROCK:

Commissioners received the monthly financial report from Finance Director Brock detailing the November 2020 revenue collections for the County in ambulance service, sales tax, property tax and hotel/motel tax and prisoner boarding.

COUNTY OFFICIAL REPORT: ATTORNEY PHILIP BURNETT:

Attorney Burnett reported that we did get a lawsuit served on December 14, 2020 alleging some discrimination based off failure to accommodate a disability. Our defense counsel in Nashville will be take the lead defending that case. Likely there will be a closed session next month for further discussion. Mr. Burnett answered the question raised by Commissioner Hyder regarding the Harvel case. The criminal case has been put off again. Supreme Courts have closed down until mid-January. The criminal case may go to trial in the summer of 2021 depending on how it pans out. The Harvel civil case is still in mediation for January.

STANDARD COMMITTEE REPORTS:

Commissioner Hyder stated that the Health and Safety Board meeting has been moved to Wednesday, January 27, 2021 at 2:00 o'clock PM.

Commissioner Stone stated the Audit Committee will meet on Tuesday, January 12, 2021 at 4:30 o'clock P.M.

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13. ELECTION OF NOTARIES:

On motion of Commissioner Stone, second by Commissioner Hyder, moved be elected Melisa Copeland, Savanna Donathan, Mary Beth Dorton, LuCretia Renee Fuller, Michelle Richards, Ashley Nicole Ritchie, Deborah Brumfield, Tammie K. Dye as Notary Publics for the State of Tennessee.

The motion to approve the notaries carried by unanimous roll call from the Commissioners present.

14. ANNOUNCEMENT:

Mayor Foster would like to thank Mr. James Keck for the photo on the streaming platform of the meeting tonight. Thank you for allowing the use of this photo. Commissioner Blalock thanked everyone for the calls, messages and prayers during the sickness of he and his wife. Commissioner Wilson said his knee surgery was a success, doing well.

15. ADJOURNMENT:

On motion of Commissioner Gibson, second by Commissioner Blalock, moved the December 21, 2020 Commission Meeting be adjourned at 7:02 o'clock P.M.

The motion to adjourn the meeting carried by unanimous roll call from the Commissioners present.

MINUTES APPROVED FOR ENTRY THIS 21st DAY OF JANUARY 2021.



Allen Foster, County Mayor
Chairman, Cumberland County Commission



Julie Bryson, Cumberland County Clerk